

Consolidated 3-Part Federal Operating Permit

Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

| | |
|-----------------------------|--|
| Permittee Name: | The Smithfield Packing Co., Inc. |
| Facility Names: | The Smithfield Packing Co., Inc.-South Division (Permit Part 1) 501 North Church Street Smithfield, Virginia |
| | The Smithfield Packing Co., Inc.- North Division (Permit Part 2) 601 North Church Street Smithfield, Virginia |
| | The Smithfield Packing Co., Inc.- Ham and Products Division (Permit Part 3) 401 North Church Street Smithfield, Virginia |
| Registration Number: | 60270 |
| Permit Number: | TRO-60270 |

April 3, 2008
Effective Date

April 2, 2013
Expiration Date

Regional Director

April 3, 2008
Signature Date

Table of Contents, 2 pages for Part 1, 1 page each for Part 2 and Part 3
Permit Conditions, 56 pages (Part 1, 25 pages; Part 2, 19 pages; Part 3, 12 pages)

TITLE V PERMIT, PART 1.

THE SMITHFIELD PACKING CO., INC.- SOUTH DIVISION

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AA. EMISSIONS TRADING 25

I. Facility Information

Permittee

The Smithfield Packing Co., Inc.
111 Commerce St.
P.O. Box 489
Smithfield, VA 23430

Responsible Official

Donovan Ford
Plant Manager

Facility

The Smithfield Packing Co., Inc.-South Division
501 North Church Street
Smithfield, VA 23430

Contact Person

Ruth Debrito
Subsidiary Environmental Coordinator
757-365-3593

County-Plant Identification Number: 51-093-00011

Facility Description: NAICS 311612- Meat Processed from Carcasses, and 311613- Rendering and Meat Byproduct Processing.

Smithfield Packing Co., Inc.-South Division, a meat packing and rendering plant, together with Smithfield Packing Co., Inc.-North Division, a contiguous meat packing plant, and Smithfield Packing Co., Inc.- Ham and Products Division, a contiguous food processing plant, are independently operated facilities that operate under the common control of Smithfield Packing Co., Inc. The three facilities have been determined, under Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution (9 VAC 5, Chapter 80), to represent a single stationary source of air emissions. A three-part Title V permit format is used to reflect each facility's compliance responsibilities delegated by Smithfield Packing Co., Inc., to facilitate direct compliance relationships between the state and the three facilities.

Main plant boilers URN 1, and URN 2 at Smithfield Packing Co., Inc.-South Division, are existing boilers installed prior to March 17, 1972, the new source review (NSR) applicability date. Main plant boilers URN 3 and URN 4 were installed in 1973 and 1978, respectively. Both boilers URN 1 and 4 were permitted on June 13, 2007, for the addition of a variable speed draft (VSD), a blow down heat recovery system, and an economizer. Rendering plant boilers URN 40 and 41 were recently installed (to replace boiler URN 5) as initially permitted in the NSR permit dated September 30, 2005, which was subsequently incorporated into the June 13, 2007 NSR permit. Boilers URN 1 through URN 4 use natural gas, distillate oils, and low sulfur residual oils, while boilers URN 40 and 41 are permitted for natural gas, distillate oils, and animal/vegetable oils.

Rendering equipment installed in 1988 includes blood dryer URN 7 and continuous cooker URN 35. The latter was replaced in 2004. Both units were determined to be exempt from minor NSR permitting.

II. Emission Units

Equipment to be operated consists of:

| Emission Unit ID | Stack ID | Emission Unit Description | Size/Rated Capacity* | Pollution Control Device (PCD) Description | PCD ID | Pollutant Controlled | Applicable Permit Date |
|-------------------------------|----------|---|---|---|--------|----------------------|-------------------------|
| Fuel Burning Equipment | | | | | | | |
| URN 1 | S1 | Cleaver Brooks boiler 1970, modified in 2007 by addition of a variable speed draft (VSD), a blow down heat recovery system, and an economizer | 30.5 MMBTU/hr | NA | NA | NA | 6/13/07 NSR |
| URN 4 | S4 | Cleaver Brooks boiler 1978, modified in 2007 by addition of a VSD, a blow down heat recovery system, and an economizer | 34.8 MMBTU/hr | NA | NA | NA | 6/13/07 NSR |
| URN 2 | S2 | Iron Fireman/BE & S boiler, 1966 | 26.5 MMBTU/hr | NA | NA | NA | 6/13/07 NSR |
| URN 3 | S3 | Iron Fireman/ Superior boiler, 1973 | 26.5 MMBTU/hr | NA | NA | NA | 6/13/07 NSR |
| URN 40 | S40 | Cleaver Brooks boiler 2005, NSPS Dc | 32.659 MMBTU/hr | NA | NA | NA | 06/13/07 NSR |
| URN 41 | S41 | Cleaver Brooks boiler 2005, NSPS Dc | 32.659 MMBTU/hr | NA | NA | NA | 06/13/07 NSR |
| Process Equipment | | | | | | | |
| URN 7 | S35 | Dupps Blood Ring Dryer 2000B, installed in 1988 | 5.5 MMBTU/hr, 2,300 lb/hr finished blood meal product | Venturi scrubber, Dupps Model 4, 4,000 cfm | C35 | PM-10, odor | Exempt (9/25/02 NSR) |
| URN 35 | S35 | Dupps Inedible Rendering Continuous Cooker, installed in 1988, replaced in 2004 | 46,000 lb/hr input, 23,000 lb/hr output | AC Corporation Shell-in-tube Condenser, and Dupps Model 4 Venturi scrubber, 4,000 cfm | C35 | PM-10, odor | Exempt (1/13/04 letter) |

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements

A. Limitations

1. **Emission Controls for Boilers URN 40 and 41-** NOx emissions from boilers URN 40 and 41 shall be controlled by low NOx burners and flue gas recirculation.
(9 VAC 5-80-110 and Condition 3 of 6/13/07 NSR permit)
2. **Fuels for Boilers URN 1 to 4-** The approved fuels for boilers URN 1 to URN 4 are natural gas, distillate oils, and residual oils. A change in fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 4 of 6/13/07 NSR permit)
3. **Fuel Throughput Limits for boilers URN 1 and URN 4-**
The following limits simultaneously apply:
 - The two boilers combined shall consume no more than 450,000 gallons of distillate oil and residual oil, combined, per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - Total fuel throughputs of natural gas, distillate oil and residual oil to the two boilers combined shall be limited by the annual combined NOx emission limit in Condition **III.A.13**, which is capped to keep the projected net emission increase below the PSD significant levels as defined in 9 VAC 5-80-1615. Compliance with the annual emission limit shall be determined monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months using DEQ-approved emission factors, fuel certifications, and fuel usage records. Calculation methods shall be submitted to and approved by the Director, Tidewater Regional Office.
(9 VAC 5-80-110 and Condition 5 of 6/13/07 NSR permit)
4. **Fuel Specifications for Boilers URN 1 to 4-** Fuel oils for boilers URN 1 to 4 shall meet the specifications below:

RESIDUAL OILS which meet ASTM specifications for numbers 4, 5 or 6 fuel oil:
Maximum sulfur content per shipment: 0.5 %

DISTILLATE OILS which meet ASTM specifications for numbers 1 or 2 fuel oil:
Maximum sulfur content per shipment: 0.5 %

(9 VAC 5-80-110 and Condition 6 of 6/13/07 NSR permit)
5. **Fuel Certification for Boilers URN 1 to 4-** The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil or residual oil for boilers URN 1 to 4. Each fuel supplier certification shall include the following:
 - a. The name of the fuel supplier;
 - b. The date on which the oil was received;
 - c. The volume of oil delivered in the shipment;
 - d. The American Society for Testing and Materials classification of the oil; and
 - e. The percent sulfur content of the oil.
(9 VAC 5-80-110 and Condition 7 of 6/13/07 NSR permit)

6. **Fuels for Boilers URN 40 and 41** - The approved fuels for boilers URN 40 and 41 are natural gas, distillate oils, and animal/vegetable oils. A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 8 of 6/13/07 NSR permit)

7. **Fuel Oil Throughputs for Boilers URN 40 and 41** - Boilers URN 40 and 41 combined shall consume no more than 1,110,000 gallons of distillate oils or 4,450,000 gallons animal fat/vegetable oils per year, calculated monthly as the sum of each consecutive 12-month period. If more than one type of fuel oils are combusted in any consecutive 12-month period, the distillate oil throughput limit for boilers URN 40 and 41 combined shall be calculated as follows:

Distillate oil throughput limit (gallons/year) = $d = 1,110,000 - (f/78.9)$ where

f=gallons of animal fat/vegetable oils, fired in 12 consecutive months by boilers URN 40 and 41 combined.

(9 VAC 5-80-110 and Condition 9 of 6/13/07 NSR permit)

8. **Natural Gas Throughput for Boilers URN 40 and 41** -Boilers URN 40 and 41 shall consume no more than 572 million cubic feet of natural gas per year, combined, calculated monthly as the sum of each consecutive 12-month period.
(9 VAC 5-80-110 and Condition 10 of 6/13/07 NSR permit)

9. **Fuel Specifications for Boilers URN 40 to 41** – Fuel oils for boilers URN 40 to 41 shall meet the specifications below:

DISTILLATE OILS which meets ASTM D396 specifications for numbers 1 or 2 fuel oil.

ANIMAL FAT/ VEGETABLE OILS which are oil blends produced on site from the facility's rendering process or obtained from other suppliers.

Maximum sulfur content by weight 0.006%

(9 VAC 5-80-110 and Condition 11 of 6/13/07 NSR permit)

10. **Fuel Certification for Boilers URN 40 and 41** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil. Each fuel supplier certification shall include the following:

- The name of the fuel supplier;
- The date on which the distillate oil was received;
- The volume of distillate oil delivered in the shipment; and
- A statement that the distillate oil complies with the American Society for Testing and Materials specifications D396 for numbers 1 or 2 fuel oil.

(9 VAC 5-80-110 and Condition 12 of 6/13/07 NSR permit)

11. **Operating and Training Procedures** - Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum. The permittee shall maintain records of the required training including a statement of time, place and nature of training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler, and maintain records of all scheduled and non-scheduled maintenance. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110 and Condition 13 of 6/13/07 NSR permit)
12. **Requirements by Reference** - Except where this permit is more restrictive than the applicable requirement, the NSPS Boilers URN 40 and URN 41 shall be operated in compliance with the requirements of 40 CFR 60, Subpart Dc.
(9 VAC 5-80-110, and Condition 14 of 6/13/07 NSR permit)
13. **Emission Limits for boilers URN 1 and URN 4-** Emissions from the operation of the two boilers shall not exceed the limits specified below:

| | URN 1 | URN 4 | Combined |
|--|-------------|-------------|--------------|
| Particulate Matter (Filterables) | 1.6 lbs/hr | 1.8 lbs/hr | 3.7 tons/yr |
| PM-10 (Filterables) | 1.4 lbs/hr | 1.6 lbs/hr | 3.4 tons/yr |
| Sulfur Dioxide | 16.0 lbs/hr | 18.2 lbs/hr | 18.2 tons/yr |
| Nitrogen Oxides (as NO ₂) | 11.2 lbs/hr | 12.8 lbs/hr | 26.4 tons/yr |
| Carbon Monoxide | 2.6 lbs/hr | 2.9 lbs/hr | 24.0 tons/yr |
| Volatile Organic Compounds | 0.2 lbs/hr | 0.2 lbs/hr | 1.6 tons/yr |

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers **III.A.2 through 5, III.A.11 and 18, and III.B.1 and 2.**

(9 VAC 5-80-110 and Condition 15 of 6/13/07 NSR permit)

14. **Emission Limits for URN 40 and 41** - Emissions from boilers URN 40 and 41 shall not exceed the limits specified below:

| | Each | Combined |
|---------------------------------------|-------------|--------------|
| Particulate Matter (PM) | 0.8 lbs/hr | 4.7 tons/yr |
| Particulate Matter (PM-10) | 0.5 lbs/hr | 4.0 tons/yr |
| Sulfur Dioxide | 16.8 lbs/hr | 39.6 tons/yr |
| Nitrogen Oxides (as NO ₂) | 6.2 lbs/hr | 35.4 tons/yr |
| Carbon Monoxide | 2.3 lbs/hr | 13.1 tons/yr |
| Volatile Organic Compounds | 1.0 lbs/hr | 5.6 tons/yr |

These emissions are derived from the estimated overall emission contribution from operating limits. Compliance with the hourly limits may be determined by stack testing as required by DEQ. Exceedance of operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers **II.A.1, III.A.6 through 12, III.A.19, III.B.1 and 2, III.C.2 through 5, and III.D.1 and 2.**

(9 VAC 5-80-110 and Condition 16 of 6/13/07 NSR permit)

15. **PM Emissions Limits for Boilers URN 2 and 3** - No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits:

| | |
|--------------------------------|----------------------------|
| PM (for Boilers URN 2 and 3) | 0.389 lbs/MMBTU heat input |
| PM (for Boiler URN 2 or URN 3) | 10.3 lbs/hr each |

For fuel burning equipment installations with total capacity between 10 million and 10 billion BTU per hour, the maximum allowable emission ratio, E, in pounds of particulate per million BTU input, shall be determined by the following equation: $E = 1.0906H^{-0.2594}$, where H is the total heat input capacity in million BTU per hour. Maximum allowable particulate emissions for each fuel burning equipment unit shall be the product of the rated capacity and the emission ratio.

(9 VAC 5-80-110 and VAC 5-40-900)

16. **SO₂ Emissions Limit for Boilers URN 2 and 3** - No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any sulfur dioxide emissions in excess of the following limit:

| | |
|---|--------------|
| SO ₂ (for Boilers URN 2 and 3, combined) | 139.9 lbs/hr |
|---|--------------|

The maximum emissions shall be determined by the following equation:

$S = 2.64K$, where S = allowable emission of sulfur dioxide expressed in pounds per hour, and K = heat input at total capacity expressed in MMBTU per hour.

(9 VAC 5-80-110 and 9 VAC 5-40-930)

17. **Visible Emission Limits for Boilers URN 2 and 3** - Visible emissions from boilers URN 2 and 3 shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty percent (60%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).
(9 VAC 5-80-110 and Condition 17 of 6/13/07 NSR permit)
18. **Visible Emission Limits for Boilers URN 1 and URN 4** - Visible emissions from boilers URN 1 and 4 shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110 and Condition 18 of 6/13/07 NSR permit)
19. **Visible Emission Limits for Boilers URN 40 and 41** - Visible emissions from boilers URN 40 and 41 shall not exceed ten percent (10%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed twenty percent (20%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110 and Condition 19 of 6/13/07 NSR permit)

B. Monitoring and Recordkeeping

1. **Periodic Visible Emission Observations for Boilers URN 1 to 4, URN 40 and 41** - The permittee shall observe each of the boilers URN 1 to 4, URN 40 and 41 at least once a week (Monday-Sunday) during daylight hours of operations for the presence of visible emissions for at least sixty seconds. If visible emissions are noted from any stacks, operational adjustment or maintenance shall be performed on the boilers to eliminate the visible emissions. If visible emissions continue after maintenance actions, a visible emissions evaluation (VEE) shall be immediately conducted on the stack(s) for at least six minutes in accordance with Method 9 (40 CFR 60, Appendix A). If the VEE opacity average for the stack exceeds ten percent (10%), the VEE shall continue for one hour from initiation to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in the operation log.

Records of observations shall include the following:

- a. The name of the observer,
- b. Date and time of the observation,
- c. An indication of presence or absence of visible emissions,
- d. The color of the emissions,
- e. The duration of any visible emission incident, and any corrective action to eliminate visible emissions.
- f. If a VEE is conducted, records shall be in accordance with Method 9 (40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 25 of 6/13/07 NSR permit)

2. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Daily, monthly, and annual throughput of natural gas, distillate oil, and animal fat/vegetable oils for boilers URN 40 and 41 (or alternate records as approved in writing by EPA, Region III). Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
 - b. Annual throughput limitations for boilers URN 40 and 41, calculated monthly, for distillate oils as determined according to Condition III.A.7.

- c. Monthly, and annual throughput of natural gas, distillate oil, and residual oil for boilers URN 1 and 4 combined. Annual throughput of each fuel shall be calculated monthly as the sum of each consecutive 12-month period.
- d. Monthly calculation of NOx emissions from boilers URN 1 and URN 4 combined to demonstrate compliance to the annual emission limit as described in Condition **III.A.3**.
- e. All fuel supplier certifications for fuels combusted in boilers URN 1 to 4, URN 40 and 41.
- f. Results of all stack tests, visible emission evaluations, and periodic visible emission observations.
- g. Boiler operator training records as required by Condition **III.A.11**.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years. (9 VAC 5-80-110 and Condition 26 of 6/13/07 NSR permit)

C. Testing

1. **Testing/Monitoring Ports** - The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided, when requested, in accordance with the applicable performance specification (reference 40 CFR Part 60, Appendix B). (9 VAC 5-80-110 and Condition 20 of 6/13/07 NSR permit)
2. **Stack Test for Initial Compliance Determination for Boilers URN 40 and 41**- Initial performance tests shall be conducted for priority pollutants PM, SO₂, and NOx from boilers URN 40 and 41 stacks while firing animal fat/vegetable oils to determine compliance with the PM and NOx emission limits in Condition **III.A.14**, and the sulfur content limit in Condition **III.A.9**. The potential annual emissions shall be calculated using the animal fat/vegetable oil throughput limits in Condition **III.A.7** which shall be revised as necessary to meet the annual emission limits. The tests shall be performed at the maximum production rate at which the facility will be operated no later than 90 days after the permitted facility starts using animal fat/vegetable oils. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Tidewater Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The sulfur content in the animal fat/vegetable oil shall be calculated from the SO₂ stack test results. The permittee may substitute SO₂ stack test with sampling and analysis of animal fat/vegetable oil fuel for sulfur content by procedures as approved by DEQ. One copy of the test results shall be submitted to the Tidewater Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (9 VAC 5-80-110, and Condition 21 of 6/13/07 NSR permit)
3. **Visible Emissions Evaluation for Initial Compliance Determination Boilers URN 40 and 41**- Visible Emission Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9, shall be conducted on boilers URN 40 and 41 while firing distillate oils or animal fat/vegetable oils. Each test shall consist of 30 sets of 24 consecutive observations (at 15 second intervals) to yield a six minute average. The details of the tests are to be arranged with the Tidewater Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. The evaluation shall be performed, reported and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. One copy of the test result shall be submitted to the Tidewater Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit. (9 VAC 5-80-110, and Condition 22 of 6/13/07 NSR permit)

4. **Stack Tests for Continuing Compliance Determination for Boilers URN 40 and 41** - Upon request by the DEQ, the permittee shall conduct additional performance tests for boilers URN 40 and 41 to demonstrate compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the Tidewater Regional Office.
(9 VAC 5-80-110, and Condition 23 of 6/13/07 NSR permit)
5. **Visible Emissions Evaluation Continuing Compliance Determination for Boilers URN 40 and 41**- Upon request by the DEQ, the permittee shall conduct additional visible emission evaluations for boilers URN 40 and 41 to demonstrate compliance with the visible emission limits contained in this permit. The details of the tests shall be arranged with the Tidewater Regional Office.
(9 VAC 5-80-110, and Condition 24 of 6/13/07 NSR permit)
6. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

D. Notification and Reporting

1. **Initial Notifications for Boilers URN 40 and 41**- The permittee shall furnish written notification to the Director, Tidewater Regional Office:
 - a. The actual date on which installation of boilers URN 40 and 41 commenced within 30 days after such date.
 - b. The anticipated start-up date of boilers URN 40 and 41 postmarked not more than 60 days nor less than 30 days prior to such date.
 - c. The actual start-up date of boilers URN 40 and 41 within 15 days after such date.
 - d. The anticipated date of performance tests of the boilers postmarked at least 30 days prior to such date.

Copies of the written notification referenced in items a through d above are to be sent to:

Associate Director
Office of Air Enforcement (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

(9 VAC 5-80-110 and Condition 28 of 6/13/07 NSR)

2. **Semi-Annual Fuel Quality Reports for Boilers URN 40 and 41**- The permittee shall submit fuel quality reports to the Tidewater Regional Office within 30 days after the end of each semi-annual period. If no shipments of distillate oil for use in boilers URN 40 and 41 were received during the semi-annual period, the semi-annual report shall consist of the dates included in the semi-annual period and a statement that no oil was received during the semi-annual period. If distillate oil was received during the semi-annual period, the reports shall include:
 - a. Dates included in the semi-annual period,
 - b. A copy of all fuel supplier certifications for all shipments of distillate oil received during the semi-annual period or a semi-annual summary from each fuel supplier that includes the information specified in Condition **III.A.10** for each shipment of distillate oil, and

- c. A signed statement from the owner or operator of the facility that the fuel supplier certifications or summaries of fuel supplier certifications represent all of the distillate oil burned or received at the facility.

One copy of the semi-annual report shall be submitted to the U.S. Environmental Protection Agency at the address specified in Condition **III.D.2.**

(9 VAC 5-80-110 and Condition 27 of 6/13/07 NSR permit)

IV. Rendering Process Equipment Requirements – (URN 7 and URN 35)

A. Limitations

1. **Emission Controls for Rendering Process Equipment** - PM/PM-10 emissions from inedible rendering process shall be controlled as follows:
 - a. Emissions from continuous cooker URN 35 shall be controlled by a shell-in-tube condenser (for removal of condensibles) in series with a venturi scrubber;
 - b. Emissions from blood ring dryer URN 7, blood coagulator, presses, centrifuges, cooker discharge and non-condensibles from the shell-in-tube condenser shall be captured and ducted to a venturi scrubber; and
 - c. Venturi scrubber water flow, and pressure drop across the venturi scrubber throat, shall be continuously monitored, with water flow at least 8 gallons per minute, and pressure drop maintained between 5 and 10 inches of water.

(9 VAC 5-80-110)
2. **Monitoring Devices for the Condenser and Venturi Scrubber** - The venturi scrubber shall be equipped with devices to continuously measure scrubber water flow, and differential pressure across the scrubber. Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, at minimum, manufacturer's written requirements or recommendations. Each monitoring device shall be provided with adequate access for inspection, and shall be in operation during rendering operations.

(9 VAC 5-50-20 and 9 VAC 5-80-110)
3. **PM/PM-10 Emission Limit for Continuous Cooker URN 35** - Particulate emissions from the operation of continuous cooker URN 35 shall not exceed the limits specified by the following equation:

$$E = 4.10 P^{0.67}$$

where: E = emission rate in lb/hr
P = process weight in tons/hr

(9 VAC 5-80-110, 9 VAC 5-40-260, and 9 VAC 5-50-10 D)

4. **PM/PM-10 Emission Limit for Blood Ring Dryer URN 7** - Particulate emissions from the operation of URN 7 shall not exceed the limits specified by the following equation:

$$E = 4.10 P^{0.67}$$

where: E = emission rate in lb/hr
P = process weight in tons/hr

(9 VAC 5-80-110, 9 VAC 5-40-260, and 9 VAC 5-50-10 D)

5. **Visible Emissions Limits for Blood Ring Dryer URN 7 and Continuous Cooker URN 35** - Visible emissions from the venturi scrubber stack shall not exceed twenty (20) percent opacity, except during one six-minute period in any one hour in which visible emissions shall not exceed thirty (30) percent opacity, as determined by EPA Method 9 (40 CFR 60, Appendix A). This applies at all times except during startup, shutdown, and malfunction.
(9 VAC 5-80-110 and 9 VAC 5-50-80)

B. Monitoring and Recordkeeping

1. **Periodic Visible Emission Observations for URN 7 and URN 35** - The permittee shall check the venturi scrubber stack at least once each week (Monday-Sunday) during daylight hours of operations for visible emissions. If visible emissions are noted from the stack, maintenance shall be performed on the venturi scrubber to eliminate the visible emissions. If visible emissions continue after maintenance actions, a visible emissions evaluation (VEE) shall be immediately conducted on the stack for at least six minutes in accordance with Method 9 (40 CFR 60, Appendix A). If the VEE opacity average for the stacks exceeds ten (10) percent, the VEE shall continue for one hour from initiation to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in the operation log.

Records of observations shall include the following:

- a. The name of the observer,
- b. Date and time of the observation,
- c. An indication of presence or absence of visible emissions,
- d. The color of the emissions,
- e. The duration of any visible emission incident, and any corrective action to eliminate visible emissions,
- f. If a VEE is conducted, records shall be in accordance with Method 9 (40 CFR 60, Appendix A).

(9 VAC 5-80-110)

2. **Monitoring requirements for the Condenser and Venturi Scrubber** - Monitoring devices used to continuously measure liquid flow and differential pressure drop across the scrubber shall be observed by the permittee once each operating shift to ensure good performance of the condenser and scrubber. Log entries shall be made during each operating shift of monitoring device readings, scrubber liquid quality, and scrubber liquid sump level.

Weekly inspections and washouts shall be performed on the venturi scrubber.

Monthly inspections for leaks shall be conducted on the ductwork, condenser, and venturi scrubber.

Semiannual internal inspections of condenser and venturi scrubber shall be conducted for structural integrity.

(9 VAC 5-80-110, and 9 VAC 5-50-50 H)

3. **Recordkeeping for Rendering Process** - The permittee shall maintain records of all rendering plant operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. Records shall include, but are not limited to:
 - a. Daily log records of venturi scrubber differential pressure drop, liquid flow, liquid quality, sump levels, and any associated maintenance or other actions required;

- b. Logs of required weekly, monthly, and semiannual inspections and maintenance actions for emissions units and control devices, including date, inspection and maintenance results, and variance from manufacturers' recommendations, if any;
- c. Annual assessments of maximum rendering equipment capacities, which form the basis, as process rate (P), for limits specified in Part 1, Specific Conditions IV.A.3 and 4; and
- d. All visible emission observations and visible emission evaluations (VEE) conducted.

These records shall be available on site for inspection by the DEQ, and shall be current for the most recent five years.

(9 VAC 5-80-110, and 9 VAC 5-50-50)

C. Testing

- 1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
- 2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

V. Facility Wide Conditions

A. Limitations

- 1. **Volatile Organic Compound Disposal** - At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-50-20 F and 9 VAC 5-80-110)
- 2. **Violation of Ambient Air Quality Standard** - Smithfield Packing Co., Inc.-South Division shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-80-110 and Condition 35 of 6/13/07 NSR permit)

B. Recordkeeping

- 1. **Records of Maintenance/Operating Procedures**- The permittee shall maintain records of maintenance and operating procedures to demonstrate compliance with General Condition IX.O.
(9 VAC 5-80-110 and Condition 26 of 6/13/07 NSR permit)
- 2. **Record of Malfunctions** – The permittee shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.
(9 VAC 5-80-110 and Condition 33 of 6/13/07 NSR permit)

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|--|------------------|--|-----------------------------------|
| 5 | Grease tank, 19,183-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 6 | Grease tank, 15,600-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 8 | Dupps Hair Dryer | 9 VAC 5-80-720 C | NA | 3.5 MMBTU/hr 3 tons/hr |
| 9 | Grease tank, 15,600-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 10 | Grease tank, 15,600-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 11 | Julian Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 12 | Julian Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 million Btu/hr |
| 13 | Julian Food Processing Oven | 9 VAC 5-80-720 C | NA | 1.87 MMBTU/hr |
| 14 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 15 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 16 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 17 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 18 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 19 | Alkar Food Processing Oven | 9 VAC 5-80-720 C | NA | 2.75 MMBTU/hr |
| 20 | Gasoline Storage Tank, 1,000-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 21 | Diesel Fuel Dispensing Tank, 1,000-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 22 | Residual Oil Storage Tank , 24,812-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 23 | Distillate Oil Tank, 12,000-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 24 | Refrigeration Oil Tank, 1,000-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 25 | Hydraulic Oil Storage Tank, AST | 9 VAC 5-80-720 C | NA | 550 gallons |

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|--|------------------|--|-----------------------------------|
| 26 | Hydraulic Oil Storage Tank, AST | 9 VAC 5-80-720 C | NA | 550 gallons |
| 27 | Edible Mineral Oil Tank , 2860-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 28 | Kerosene Storage Tank, 500-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 29 | Hydraulic Oil Storage Tank, AST | 9 VAC 5-80-720 C | NA | 480 gal |
| 30 | Waste Oil Storage Tank, AST | 9 VAC 5-80-720 C | NA | 500 gallons |
| 31 | Rendered Grease Tank, 65,000-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 32 | Rendered Grease Tank, 65,000-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 37F | Truck Road Dust | 9 VAC 5-80-720 B | PM | NA |
| 38F | Wastewater Treatment Facilities, 1.5 mm gal/day | 9 VAC 5-80-720 B | VOC | NA |
| 39F | Ammonia Refrigeration | 9 VAC 5-80-720 B | NH3 | NA |
| 42 | Grease tank, 19,183-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 43 | Diesel tank for fire suppression system, 200 gal | 9 VAC 5-80-720 A | NA | NA |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

| Citation | Title of Citation | Description of Applicability |
|--|---|--|
| 40CFR60 Subpart Dc | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units | This subpart is not applicable to boilers URN 1 to 4 as these units were constructed prior to the applicability date of the NSPS (6/9/89), and the addition of economizers to URN 1 and URN 4 in 2007 does not meet the definition of NSPS modification. |
| 9 VAC 5-40-880 et seq., Part II, Article 8 | Emissions Standards for Fuel Burning Equipment | Boiler URN 1 and URN 4 are not subject to the PM and SO ₂ emission standards of Article 8. They were installed in 1978, and commenced operation before October 5, 1979, specified in 9 VAC 5-40-890 C as the date prior to which a unit's capacity shall be considered part of the fuel burning equipment (FBE) capacity of the facility, however, they are subject to the more stringent requirements of NSR permit dated 6/13/07. |
| 9 VAC 5-40-880 et seq., Pt II, Article 8 | Emissions Standards for Fuel Burning Equipment | Food processing ovens are not subject to this article, because (1) they combust only gaseous fuels, and (2) each unit's heat input capacity is less than 10 million Btu/hr. |
| 40CFR 60, Subpart Kb, as amended on October 15, 2003 | NSPS for Volatile Organic Liquid Storage Vessels Constructed, Modified, or Reconstructed After 23 July 1984 with Storage Capacity Greater Than 75 Cubic Meters (19,817 gallons) | Tank URN 23 has capacity of 12,000 gallons, less than the threshold for Kb applicability (19,817 gallons). Tanks URN 22 has capacity of 24,812 gallons but stores residual oil that has maximum true vapor pressure less than 2.16 psi. |
| 40 CFR 60 Subpart IIII | Standards of Performance for Stationary Compression Ignition Internal Combustion Engines | The facility does not have any internal combustion engines that are subject to the rule. |

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VIII. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

A. Limitations

1. **Standard for Odor-** No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions which cause an odor objectionable to individuals of ordinary sensibility.
(9 VAC 5-40-140, 9 VAC 5-80-110 N and 9 VAC 5-80-300)
2. **Handling of Rendering Wastes** - All material received at the rendering plant shall be processed or hauled away before it has decomposed to the extent that it causes objectionable odors.
(9 VAC 5-80-110 N and 9 VAC 5-80-300)
3. **Transit Area Surfaces** - Truck transit areas around the rendering plant shall be paved with a non-porous material to avoid malodorous contamination, and shall be kept in clean condition.
(9 VAC 5-80-110 N and 9 VAC 5-80-300)
4. **Ponded Waters** - There shall be no ponded waters outside the rendering plant area.
(9 VAC 5-80-110 N and 9 VAC 5-80-300)
5. **Finished Product Spills** - All spilled finished product shall be cleaned up promptly.
(9 VAC 5-80-110 N and 9 VAC 5-80-300)

B. Recordkeeping

1. **Recordkeeping for Odor Issues** – The permittee shall maintain the following records to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual summary of techniques employed to minimize odor from the plant; and
 - b. Log of all complaints of odor received by the facility, and written results of the responses made to the complaints.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

IX. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.

- e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- 1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- 2. The identification of each term or condition of the permit that is the basis of the certification.
- 3. The compliance status.
- 4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- 5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- 6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,

5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

TITLE V PERMIT, PART 2.
THE SMITHFIELD PACKING CO., INC.- NORTH DIVISION

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I. Facility Information

Permittee

The Smithfield Packing Co., Inc.
111 Commerce St.
P.O. Box 489
Smithfield, VA 23430

Responsible Official

Noel Messerole
Plant Manager

Facility

The Smithfield Packing Co., Inc.-North Division
601 North Church Street
Smithfield, VA 23430

Contact Person

Ruth Debrito
Subsidiary Environmental Coordinator
757-365-3593

County-Plant Identification Number: 51-093-00011

Facility Description: NAICS 311611- Animal (except poultry) Slaughtering, and 311612- Meat Processed from Carcasses.

Smithfield Packing Co., Inc.-North Division, a meat packing plant, together with Smithfield Packing Co., Inc.-South Division, a contiguous meat packing and rendering plant, and Smithfield Packing Co., Inc.-Ham and Products Division, a contiguous food processing plant, are independently operated facilities that operate under the common control of Smithfield Packing Co., Inc. The three facilities have been determined, under Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution (9 VAC 5, Chapter 80), to represent a single stationary source of air emissions. A three-part Title V permit format is used to reflect each facility's compliance responsibilities delegated by Smithfield Packing Co., Inc., to facilitate direct compliance relationships between the state and the three facilities.

Main plant boilers URN 51 to 54 at Smithfield Packing Co., Inc.-North Division are existing boilers, manufactured in 1972 or earlier. Three of the boilers, URN 52, 53, and 54, were permitted to modify by NSR dated June 12, 2007 for the addition of economizers. A newer boiler, URN 86, maximum rated heat input capacity of 6.3 million BTU per hour, was manufactured in 1994, and originally permitted for installation by NSR permit dated December 29, 2005. The latter also permitted four smoke generators (URN 120 to 123) that use electricity to smoke saw dust, and six new smokehouse ovens (URN 110-115) that use natural gas. All permit conditions were subsequently incorporated in the NSR permit dated June 12, 2007.

All other units at the plant qualify as Insignificant Activities.

II. Emission Units

Equipment to be operated consists of:

| Emission Unit ID | Stack ID | Emission Unit Description | Size/Rated Capacity* | Pollution Control Device (PCD) Description | PCD ID | Pollutant Controlled | Applicable Permit Date |
|-------------------------------|------------|--|---------------------------------------|--|--------|----------------------|------------------------|
| Fuel Burning Equipment | | | | | | | |
| URN 52 | S52 | Continental Boiler, 1968, installed before 3/17/72, modified in 2007 by addition of an economizer. | 34.8 MMBTU/hr | NA | NA | NA | 6/12/07 NSR |
| URN 53 | S53 | Continental Boiler, 1972, installed before 3/17/72, modified in 2007 by addition of an economizer. | 34.8 MMBTU/hr | NA | NA | NA | 6/12/07 NSR |
| URN 54 | S54 | Cleaver Brooks Boiler, 1972, installed in 1983, modified in 2007 by addition of an economizer. | 29.3 MMBTU/hr | NA | NA | NA | 6/12/07 NSR |
| URN 51 | S51 | Continental Boiler, 1958, installed before 3/17/72 | 25.9 MMBTU/hr | NA | NA | NA | 6/12/07 NSR |
| URN 86 | S86 | Superior Boiler, Model 6-5-750L-GP, Serial #12172, 1994 | 6.3 MMBTU/hr | NA | NA | NA | 06/12/07 NSR |
| Process Equipment | | | | | | | |
| URN 110-115 | S110-115 | Six Alkar Ovens with Maxon 435 burners, 2005 | 3.85 MMBTU/hr each | NA | NA | NA | 06/12/07 NSR |
| URN 120 | S110 & 111 | Schroter Smoke Generator, Model #R-91 - 2005 | 8.3 kW (No fuel) 26 lbs sawdust/hr | NA | NA | NA | 06/12/07 NSR |
| URN 121 | S112 & 113 | Schroter Smoke Generator, Model #R-91 - 2005 | 8.3 kW (No fuel) 26 lbs sawdust/hr | NA | NA | NA | 06/12/07 NSR |
| URN 122 | S114 & 115 | Schroter Smoke Generator, Model #R-91 - 2005 | 8.3 kW (No fuel) 26 lbs sawdust/hr | NA | NA | NA | 06/12/07 NSR |
| URN 123 | S78 & 79 | Schroter Smoke Generator, Model #R-91 - 2005 | 8.3 kW (No fuel) 26 lbs sawdust/hr | NA | NA | NA | 06/12/07 NSR |

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment, Ovens, and Smoke Generators Requirements

A. Limitations

1. **Fuel** - The approved fuels for boilers URN 51, 52, 53, 54, and 86 are natural gas, distillate oils, and residual oils. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 3 of 6/12/07 NSR permit)
2. **Fuel** - The approved fuel for the six ovens (URN 110-115) is natural gas. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-110 and Condition 4 of 6/12/07 NSR permit)
3. **Fuel Throughput Limits for boilers URN 52, URN 53, and URN 54-** The following limits simultaneously apply:
 - The three boilers combined shall consume no more than 675,000 gallons of distillate oil and residual oil, combined, per year, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
 - Total fuel throughputs of natural gas, distillate oil and residual oil to the three boilers combined shall be limited by the annual combined NOx emission limit in Condition **III.A.7**, which is capped to keep the projected net emission increase below the PSD significant levels as defined in 9 VAC 5-80-1615. Compliance with the annual emission limit shall be determined monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months using DEQ-approved emission factors, fuel certifications, and fuel usage records. Calculation methods shall be submitted to and approved by the Director, Tidewater Regional Office.
(9 VAC 5-80-110 and Condition 5 of 6/12/07 NSR permit)
4. **Throughput Limit for Smoke Generators URN 120 to 123-** The throughput of sawdust for the four smoke generators URN 120-123 shall not exceed 252.7 tons per year combined, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9 VAC 5-80-110 and Condition 6 of 6/12/07 NSR permit)
5. **Fuel Specifications-** Fuel oils for boilers URN 51, 52, 53, 54, and 86 shall meet the specifications below:
 - RESIDUAL OILS which meet ASTM specifications for numbers 4, 5 or 6 fuel oil:
Maximum sulfur content per shipment: 0.5 %
 - DISTILLATE OILS which meet ASTM specifications for numbers 1 or 2 fuel oil:
Maximum sulfur content per shipment: 0.5 %
(9 VAC 5-80-110 and Condition 7 of 6/12/07 NSR permit)
6. **Fuel Certification** - The permittee shall obtain a certification from the fuel supplier with each shipment of distillate oil or residual oil for boilers URN 51, 52, 53, 54, and 86. Each fuel supplier certification shall include the following:
 - a. The name of the fuel supplier;
 - b. The date on which the oil was received;

- c. The volume of oil delivered in the shipment;
- d. The American Society for Testing and Materials classification of the oil; and
- e. The percent sulfur content of the oil.

(9 VAC 5-80-110 and Condition 8 of 6/12/07 NSR permit)

7. **Emission Limits for boilers URN 52, URN 53 and URN 54-** Emissions from the operation of the three boilers shall not exceed the limits specified below:

| | URN 52 | URN 53 | URN 54 | Combined |
|---------------------------------------|-------------|-------------|-------------|--------------|
| Particulate Matter (Filterables) | 1.8 lbs/hr | 1.8 lbs/hr | 1.5 lbs/hr | 5.5 tons/yr |
| PM-10 (Filterables) | 1.6 lbs/hr | 1.6 lbs/hr | 1.3 lbs/hr | 5.2 tons/yr |
| Sulfur Dioxide | 18.2 lbs/hr | 18.2 lbs/hr | 15.3 lbs/hr | 27.4 tons/yr |
| Nitrogen Oxides (as NO ₂) | 12.8 lbs/hr | 12.8 lbs/hr | 10.7 lbs/hr | 39.7 tons/yr |
| Carbon Monoxide | 2.9 lbs/hr | 2.9 lbs/hr | 2.5 lbs/hr | 36.4 tons/yr |
| Volatile Organic Compounds | 0.2 lbs/hr | 0.2 lbs/hr | 0.2 lbs/hr | 2.4 tons/yr |

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers **III.A.1, 3, 5, 6, and 12, and III.B.1 and 2.**

(9 VAC 5-80-110 and Condition 9 of 6/12/07 NSR permit)

8. **Emission Limits for Smoke Generators URN 120 to 123-** Emissions from the operation of the smoke generators URN 120, 121, 122 and 123 shall not exceed the limits specified below:

| | Each | Combined |
|--|------------|-------------|
| Particulate Matter (PM) (including condensable PM) | 0.7 lbs/hr | 6.7 tons/yr |
| PM-10 | 0.7 lbs/hr | 6.7 tons/yr |
| Volatile Organic Compounds | 0.6 lbs/hr | 5.6 tons/yr |

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition number **III.A.4, 12, and III.B.2.**

(9 VAC 5-80-110 and Condition 10 of 6/12/07 NSR permit)

9. **PM Emissions Limits for Boiler URN 51** - No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any gaseous products of combustion containing particulate emissions in excess of the following limits:

PM (for Boilers URN 51) 0.469 lbs/MMBTU heat input

PM (for Boiler URN 51) 12.1 lbs/hr each

For fuel burning equipment installations with total capacity between 10 million and 10 billion BTU per hour, the maximum allowable emission ratio, E, in pounds of particulate per million BTU input, shall be determined by the following equation: $E = 1.0906H^{-0.2594}$, where H is the total heat input capacity in million BTU per hour. Maximum allowable particulate emissions for each fuel burning equipment unit shall be the product of the rated capacity and the emission ratio.

(9 VAC 5-80-110 and VAC 5-40-900)

10. **SO₂ Emissions Limit for Boiler URN 51** - No owner or other person shall cause or permit to be discharged into the atmosphere from any fuel burning equipment installation any sulfur dioxide emissions in excess of the following limit:

SO₂ (for Boiler URN 51) 68.4 lbs/hr

The maximum emissions shall be determined by the following equation:

$S = 2.64K$, where S = allowable emission of sulfur dioxide expressed in pounds per hour, and K = heat input at total capacity expressed in MMBTU per hour.

(9 VAC 5-80-110 and 9 VAC 5-40-930)

11. **Visible Emission Limits for Boilers URN 51** - Visible emissions from boilers URN 51 shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed sixty percent (60%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 11 of 6/12/07 NSR permit)

12. **Visible Emission Limits for Boilers URN 52, 53, 54, and 86, Ovens URN 110-115, and Smoke Generators URN 120-123** - Visible emissions from the stacks of boilers URN 52, 53, 54, and 86, ovens URN 110-115, and smoke generators URN 120-123 shall not exceed twenty percent (20%) opacity except during one six-minute period in any one hour in which visible emissions shall not exceed thirty percent (30%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown, and malfunction.

(9 VAC 5-80-110 and Condition 12 of 6/12/07 NSR permit)

B. Monitoring and Recordkeeping

1. **Periodic Visible Emission Observations for Boilers URN 51, 52, 53, 54, and 86-** The permittee shall observe each of the boilers URN 51, 52, 53, 54, and 86 at least once a week (Monday-Sunday) during daylight hours of operations for the presence of visible emissions for at least sixty seconds. If visible emissions are noted from any stacks, operational adjustment or maintenance shall be performed on the boilers to eliminate the visible emissions. If visible emissions continue after maintenance actions, a visible emissions evaluation (VEE) shall be immediately conducted on the stack(s) for at least six minutes in accordance with Method 9 (40 CFR 60, Appendix A). If the VEE opacity average for the stack exceeds ten percent (10%), the VEE shall continue for one hour from initiation to determine compliance with the opacity limit. Results of observations and/or VEEs shall be recorded in the operation log.

Records of observations shall include the following:

- a. The name of the observer,
- b. Date and time of the observation,
- c. An indication of presence or absence of visible emissions,
- d. The color of the emissions,
- e. The duration of any visible emission incident, and any corrective action to eliminate visible emissions.
- f. If a VEE is conducted, records shall be in accordance with Method 9 (40 CFR 60, Appendix A).

(9 VAC 5-80-110 and Condition 14 of 6/12/07 NSR permit)

2. **On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual throughput of natural gas, distillate oil, and residual oil for boilers URN 52, 53, and 54 combined. Annual throughput of each fuel shall be calculated monthly as the sum of each consecutive 12-month period.
 - b. Monthly calculation of NO_x emissions from boilers URN 52, 53, and 54 combined to demonstrate compliance to the annual emission limit as described in Condition **III.A.3**.
 - c. Annual throughput of sawdust for the smoke generators, calculated monthly as the sum of each consecutive 12-month period.
 - d. All fuel supplier certifications for fuels combusted in boilers URN 51-54 and 86.
 - e. Records of maintenance, operating procedures, and boiler operator training as required by Condition **IV.B.1**.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 15 of 6/12/07 NSR permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing upon reasonable notice at any time, using appropriate methods. Test ports shall be provided, when requested, in accordance with the applicable performance specification (reference 40 CFR Part 60, Appendix B).
- (9 VAC 5-80-110 and Condition 13 of 6/12/07 NSR permit)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the appropriate method(s) in accordance with procedures approved by the DEQ.
(9 VAC 5-80-110)

IV. Facility Wide Conditions

A. Limitations

1. **Volatile Organic Compound Disposal** - At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-50-20 F and 9 VAC 5-80-110)
2. **Violation of Ambient Air Quality Standard** - Smithfield Packing Co., Inc.-North Division shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-80-110 and Condition 22 of 6/12/07 NSR permit)

B. Periodic Monitoring and Recordkeeping

1. **Maintenance/Operating Procedures**- At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.
 - a. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, and process equipment which affect such emissions:
 - b. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.
 - e. Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-80-110 and Condition 19 of 6/12/07 NSR permit)
2. **Record of Malfunctions** – The permittee shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.
(9 VAC 5-80-110 and Condition 20 of 6/12/07 NSR permit)

V. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|--|-----------------|--|-----------------------------------|
| 55 | Continental natural gas-fired boiler, manufactured and installed in 1962 | 9 VAC 5-80-720C | NA | 4.3 million Btu/hr |
| 57 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 2.9 million Btu/hr |
| 58 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 2.9 million Btu/hr |
| 59 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 60 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 61 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 62 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 63 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 64 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 65 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 66 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 67 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 68 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 69 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 70 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 71 | Julian Food Processing Oven | 9 VAC 5-80-720C | NA | 1.5 million Btu/hr |
| 78 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 79 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 1.7 million Btu/hr |
| 81 | Residual Oil Storage Tank, 27,150-gal AST | 9 VAC 5-80-720B | VOC | NA |
| 82 | Diesel Fuel Dispensing Tank, 550-gal AST | 9 VAC 5-80-720A | VOC | NA |

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|---|------------------|--|-----------------------------------|
| 83 | Hydraulic Oil Storage Tank, AST | 9 VAC 5-80-720C | NA | 500 gallons |
| 84 | Refrigeration Oil Tank, AST | 9 VAC 5-80-720C | NA | 500 gallons |
| 85 | Meat Smokehouse | 9 VAC 5-80-720B | PM, VOC | NA |
| 88F | Wastewater Treatment, 2 MM gal/day | 9 VAC 5-80-720B | VOC | NA |
| 91 | Stork Nijhuis Hog Singer, 8.1 million Btu/hr | 9 VAC 5-80-720B | PM | NA |
| 92 | Stork Nijhuis Hog Singer, 8.1 million Btu/hr | 9 VAC 5-80-720B | PM | NA |
| 93 | Bacon Grease Tank, 9,000-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 94 | Bacon Grease Tank, 9,000-gal AST | 9 VAC 5-80-720 A | NA | NA |
| 95 | Gasoline Tank, 1,000-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 96 | Used Oil Tank, 1,000-gal AST | 9 VAC 5-80-720 B | VOC | NA |
| 97 | Waste Oil from Remediation Project, AST | 9 VAC 5-80-720 C | NA | 250 gallons |
| TS-1 & TS-2 | Two (2) Truck Shop used oil heaters, Model CB-2500 Clean Burn Energy Systems, 250,000 Btu/hr each | 9 VAC 5-80-720 B | SO ₂ | |
| TS-3 | Truck Shop hot water heater, 1999, natural gas, Niagara Model 10,000 | 9 VAC 5-80-720 C | NA | 880,000 BTU/hr |
| TS-4 & TS-5 | Two (2) Truck Shop USTs for diesel, 25,000 gal each | 9 VAC 5-80-720 A | NA | NA |
| TS-6 to 9 | Four (4) Truck Shop ASTs, 1,500 gal each, two for new motor oil, and two for used oil | 9 VAC 5-80-720 B | VOC | |
| TS-10 | Truck Shop AST for used oil | 9 VAC 5-80-720 C | NA | 275 gal |
| TS-11 | Truck Shop AST for used antifreeze, 250 gal | 9 VAC 5-80-720 B | VOC | |
| TS-12 | Truck Shop AST for used oil | 9 VAC 5-80-720 C | NA | 500 gal |
| TS-13 to 28 | Truck Shop sixteen (16) natural gas heaters, 1999 | 9 VAC 5-80-720 C | NA | 52,000 BTU/hr each |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VI. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

| Citation | Title of Citation | Description of Applicability |
|--|---|---|
| 40 CFR 60 Subpart Dc | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units | This subpart is not applicable to Emission Units URN 51 to 55, and 86. URN 51 to 54 were constructed prior to the applicability date of the NSPS, and the addition of economizers to URN 52 to 54 in 2007 does not meet the definition of NSPS modification. URN 55 and 86 are less than 10 MMBTU/hr. |
| 9 VAC 5-40-880 et. seq., Part II, Article 8 | Emissions Standards for Fuel Burning Equipment | Smokehouse and smoke generators firing cord wood and sawdust, food processing ovens URN 57 to 71, 78 to 79, and 110 to 115, and hog singers URN 91 and 92 do not meet the definition of fuel burning equipment in Article 8. Boilers URN 55 and 86 are not subject to this article, because (1) they combust only gaseous fuels, and (2) each unit's heat input capacity is less than 10 MMBTU/hr. |
| 40CFR 60, Subpart Kb, as amended on October 15, 2003 | NSPS for Volatile Organic Liquid Storage Vessels Constructed, Modified, or reconstructed after 23 July 1984 with storage capacity greater than 75 cubic meters (19,817 gallons) | Tanks URN 82, URN 83, and URN 84 have capacities less than the threshold for Kb applicability (19,817 gallons). Tank URN 81 (27,150 gal) was not constructed, reconstructed, or modified after 23 July 1984; it also stores residual oil that has maximum true vapor pressure less than 2.16 psi. |
| 40 CFR 60 Subpart IIII | Standards of Performance for Stationary Compression Ignition Internal Combustion Engines | The facility does not have any internal combustion engines that are subject to the rule. |

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

VII. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

A. Limitations

1. **Standard for Odor-** No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions which cause an odor objectionable to individuals of ordinary sensibility.

(9 VAC 5-40-140, 9 VAC 5-80-110 N and 9 VAC 5-80-300)

B. Recordkeeping

1. **Recordkeeping for Odor Issues** – The permittee shall maintain the following records to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual summary of techniques employed to minimize odor from the plant; and
 - b. Log of all complaints of odor received by the facility, and written results of the responses made to the complaints.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.

- e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- 1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- 2. The identification of each term or condition of the permit that is the basis of the certification.
- 3. The compliance status.
- 4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- 5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- 6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be sent to EPA at the following address:
Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VIII.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

TITLE V PERMIT, PART 3. **THE SMITHFIELD PACKING CO., INC.- HAM AND PRODUCTS DIVISION**

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I. Facility Information

Permittee

The Smithfield Packing Co., Inc.
111 Commerce St.
P.O. Box 489
Smithfield, VA 23430

Responsible Official

Noel Messerole
Plant Manager

Facility

The Smithfield Packing Co., Inc.-Ham and Products Division
401 North Church Street
Smithfield, VA 23430

Contact Person

Ruth Debrito
Subsidiary Environmental Coordinator
757-365-3593

County-Plant Identification Number: 51-093-00011

Facility Description: NAICS 311613 and 311615- Meat Processing (including Poultry).

Smithfield Packing Co., Inc.-Ham and Products Division, a meat processing plant, together with Smithfield Packing Co., Inc.-North Division, a contiguous meat packing plant, and Smithfield Packing Co., Inc.-South Division, a contiguous meat packing and rendering plant, are independently operated facilities that operate under the common control of Smithfield Packing Co., Inc. The three facilities have been determined, under Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution (9 VAC 5, Chapter 80), to represent a single stationary source of air emissions. A three-part Title V permit format is used to reflect each facility's compliance responsibilities delegated by Smithfield Packing Co., Inc., to facilitate direct compliance relationships between the state and the three facilities.

All boilers have been removed from the plant and replaced by a rental natural gas boiler (URN- R1). The latter is exempt from minor new source review (NSR) permitting based on size (heat input capacity less than 10 million BTU/hr), and meets the definition of an Insignificant Activity pursuant to 9 VAC 5-80-720 C. Other process units also qualify as Insignificant Activities; therefore, the facility no longer has any significant emission units. Because each of the three permittees under common control of Smithfield Packing Co., Inc. still wishes to have their own permit with clearly defined compliance responsibilities, Ham and Products Division must also has its own Title V permit as Part 3 of a three-part permit.

II. Facility Wide Conditions

A. Limitations

1. **Volatile Organic Compound Disposal** - At all times the disposal of volatile organic compounds shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-50-20 F and 9 VAC 5-80-110)
2. **Violation of Ambient Air Quality Standard** - Smithfield Packing Co., Inc.-Ham and Products Division shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-80-110)

B. Recordkeeping

1. **Records of Maintenance/Operating Procedures**- The permittee shall maintain records of maintenance and operating procedures to demonstrate compliance with General Condition VI.O.
(9 VAC 5-80-110)
2. **Record of Malfunctions** – The permittee shall maintain records of the occurrence and duration of any bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment that results in excess emissions for more than one hour. Records shall include the date, time, duration, description (emission unit, pollutant affected, cause), corrective action, preventive measures taken and name of person generating the record.
(9 VAC 5-80-110)

III. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

| Emission Unit No. | Emission Unit Description | Citation | Pollutant(s) Emitted (9 VAC 5-80-720B) | Rated Capacity (9 VAC 5-80-720 C) |
|-------------------|--|------------------|--|-----------------------------------|
| N/A | Used oil heater, Model CB-1400 Clean Burn Energy Systems, 140,000 Btu/hr | 9 VAC 5-80-720 B | SO ₂ | |
| N/A | AST for used oil, 1,500 gal | 9 VAC 5-80-720 B | VOC | |
| R-1 | Natural Gas Rental Boiler | 9 VAC 5-80-720C | NA | 8.37 MMBTU/hr |
| 105 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 0.55 MMBTU/hr |
| 106 | Alkar Food Processing Oven | 9 VAC 5-80-720C | NA | 0.55 MMBTU/hr |
| 107 | Kartridge Pak Smoke Generator, 29,000 Btu/hr | 9 VAC 5-80-720B | VOC, PM | |

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

IV. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

| Citation | Title of Citation | Description of Applicability |
|--|---|---|
| 40 CFR 60 Subpart Dc | Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units | This subpart is not applicable to the facility as it has only one rental natural gas boiler URN-R1 with a heat input capacity less than 10 MMBTU/hr. |
| 9 VAC 5-40-880 et. seq., Part II, Article 8 | Emissions Standards for Fuel Burning Equipment | Food processing ovens URN 105 and 106, and smoke generator URN 107 do not meet the definition of fuel burning equipment in Article 8. Rental boiler Boilers URN-R1 combusts only natural gas and its heat input capacity is less than 10 MMBTU/hr. |
| 40CFR 60, Subpart Kb, as amended on October 15, 2003 | NSPS for Volatile Organic Liquid Storage Vessels Constructed, Modified, or reconstructed after 23 July 1984 with storage capacity greater than 75 cubic meters (19,817 gallons) | The facility does not have any tank with storage capacity greater than 19,817 gallons. |
| 40 CFR 60 Subpart IIII | Standards of Performance for Stationary Compression Ignition Internal Combustion Engines | The facility does not have any internal combustion engines that are subject to the rule. |

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

V. State-Only Enforceable Requirements

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

A. Limitations

1. **Standard for Odor-** No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions which cause an odor objectionable to individuals of ordinary sensibility.

(9 VAC 5-40-140, 9 VAC 5-80-110 N and 9 VAC 5-80-300)

B. Recordkeeping

1. **Recordkeeping for Odor Issues** – The permittee shall maintain the following records to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Tidewater Regional Office. These records shall include, but are not limited to:
 - a. Annual summary of techniques employed to minimize odor from the plant; and
 - b. Log of all complaints of odor received by the facility, and written results of the responses made to the complaints.

(9 VAC 5-80-110 N and 9 VAC 5-80-300)

VI. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C, and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.

- e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - (i) Exceedance of emissions limitations or operational restrictions;
 - (ii) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - (iii) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- 1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
- 2. The identification of each term or condition of the permit that is the basis of the certification.
- 3. The compliance status.
- 4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
- 5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
- 6. Such other facts as the permit may require to determine the compliance status of the source.

7. One copy of the annual compliance certification shall be sent to EPA at the following address:
Clean Air Act Title V Compliance Certification (3AP00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Tidewater Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VI.C.3 of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Tidewater Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Tidewater Regional Office.

(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1605, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.

(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.

(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.

(9 VAC 5-80-110 G.6)

2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.

(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.

(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the Board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.

(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)